

PROPOSED ZONING BY-LAW
For the Town of
MONTEREY, MASSACHUSETTS

Section I. Purpose

The purpose of this By-Law is to provide for the Town of Monterey all the protection authorized by the General Laws of the Commonwealth of Massachusetts, Chapter 40A and any amendments thereof.

Section II. Establishment of Districts and Map

A. Types of Districts. For the purpose of this By-Law the Town of Monterey is hereby divided into the following types of districts:

1. Agricultural-Residential District
2. Lakes District
3. Business District

B. Location of Districts. Said districts are located and bounded as shown on a map entitled "Zoning Map of Monterey Massachusetts", dated November, 1960 and on file with the Town Clerk. The Zoning Map with all explanatory matter thereon is hereby made a part of this By-Law.

Section III. Use Regulations

A. Agricultural-Residential District

Permitted Uses

- a. Single family or two family dwelling.
- b. Religious, educational or municipal use.
- c. Farm, nursery or dairy use, including the display and sale of natural products raised in the town. The raising of animals and poultry for commercial purposes shall be permitted provided they are housed at least 500 feet from all abutters' residences and at least 200 feet from all property boundary lines.
- d. Hospital or convalescent home use.
- e. Accessory use customarily incidental to be a permitted main use on the same premises, including but not limited to the following:
 1. Usual buildings such as; tool shed, chicken house, barn and private garage.
 2. Use of a room or rooms in a dwelling by resident occupants for practice of a recognized profession.
 3. Use of premises or building thereon in connection with his trade by a resident carpenter, painter, plumber, electrician or other artisan, provided that no manufacturing or business requiring substantially continuous employment be carried on.
 4. Renting of rooms and furnishing of board in a dwelling regularly occupied as a private residence.
 5. Display of a sign pertaining to a permitted use; maximum size of sign to be not more than six square feet. Permitted signs shall comply with regulations under **Section VI - F.**

B. Lakes District

Permitted Uses

- a. Any use or accessory use permitted in the Agricultural-Residential District.
- b. Private boat house, bath house or garage.

C. Business District

Permitted Uses

- a. Any use or accessory use permitted in the Agricultural-Residential District.
- b. Office, bank, newspaper or job printing establishment.
- c. Hotel, motel, inn, or restaurant.
- d. Any retail business or service, research laboratory, public utility, not involving manufacture on the premises except of products of which the major portion is sold on the premises by the producer to the consumer.

Section IV. Prohibited Buildings and Uses

A. No permit shall be granted for the construction or use of any building, or the use of any land, for the following, except by a two-thirds vote taken at a town meeting:

- a. Junk yard or automobile dismantling yard.
- b. Bulk storage of explosives, flammable fuels or gases.
- c. Public dance halls or open air movies.
- d. Trailer court or over-night cabins.
- e. Signs or bill boards publicly advertising commercial products or services not made or offered on the premises.
- f. Any purpose which by the emission or discharge of fumes, vapor, gas, smoke, dust, dirt, odors, chemicals, sewage, noise or vibration, or by unduly increasing the risk from fire or explosion, or otherwise, would be dangerous or injurious to the health or safety of the public.

Section V. Intensity Regulations

A. Hereafter, no dwelling, building or structure shall be erected, or changed in use, and no use of land shall be changed, until a permit shall have been issued by the Board of Selectmen stating that the structure, premises and the proposed use thereof complies with the provisions of this By-Law. Every application for a permit shall be accompanied by an adequate sketch of the lot, the existing buildings thereon, and the location of any proposed buildings on the lot, together with plans for any proposed building and the proposed use.

B. A dwelling hereafter erected or placed in any district shall be located on a lot having not less than the minimum requirement set forth in the following table. No more than one dwelling shall ex-

ist upon any such lot and the lesser plan dimension of a dwelling shall be 20 feet minimum. No existing lot shall be changed as to size or shape so as to result in the violation of the following requirements.

District	Minimum Lot Dimension		Minimum Yard Dimension		
	Area (a)	Frontage (a)	Front (b)	Side	Rear
Agricultural-Residential	1 acre	200 feet (a)	15 ft.	15 ft.	15 ft.
Business	¼ acre	100 feet (a)	15 ft.	15 ft.	15 ft.
Lakes	¼ acre	90 feet (a) (c)	15 ft.	15 ft.	15 ft.

C. A building or structure hereafter erected for business use shall be located on a lot having not less than the minimum requirements set forth in the following table. No existing lot shall be changed as to size or shape so as to result in the violation of the requirements which follow.

District	Minimum Lot Dimension		Minimum Yard Dimension		
	Area (a)	Frontage (a)	Front (b)	Side	Rear
Agricultural-Residential	1 acre	200 feet (a)	15 ft.	15 ft.	15 ft.
Business	¼ acre	100 feet (a)	15 ft.	15 ft.	15 ft.

The maximum land coverage including accessory buildings shall be 30%. Footnotes to the preceding Table:

(a) A lot or parcel of land having an area or a frontage of lesser amounts than required by this table may be considered as coming within the area and frontage requirements of this Section, provided such lot or parcel of land was lawfully laid out by plan or deed duly recorded or registered in the Registry of Deeds at the time of the adoption of this By-Law, and that at the time of adoption of such requirements such lot was held in ownership separate from that of adjoining land.

(b) To be measured from the right-of-way line where a plan of the way is on file with the Registry of Deeds or in the absence of such a plan, from a line 25 feet from and parallel with the center line of the travelled way.

(c) Frontage on water to be measured by a straight line from bound to bound at the mean high water line.

Section VI. General Regulations

A. Non-Conforming Uses.

1. The lawful use of any structure or land existing at the time of enactment or subsequent amendments of the By-Law may be continued although such structure or use does not conform with the provisions of this By-Law.
2. The following regulations shall be adhered to unless excepted by permit as stated in **Section VII.**
 - a. Alteration: A non-conforming structure may be altered or reconstructed, provided such alteration is conforming, or if the cost of such alterations or reconstruction does not exceed 50% of the assessed valuation of the structure at the time of alteration.
 - b. Extension: No increase in the extent of the non-conforming use of land or of a structure may be made.
Restoration: No non-conforming structure damaged by fire or other causes to the extent of more than 75% of its assessed valuation shall be repaired or rebuilt except in conformity with this By-Law.
 - d. Changes: Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.

B. Accessory Buildings. Minimum yard dimensions for accessory buildings shall be subject to the same regulations as those for dwellings and buildings in the intensity regulation tables.

C. Parking Requirements. Any building hereafter constructed for business or commercial use shall be so located upon its parcel of land that there may be provided an off street parking area equal to twice the floor area of the building to be constructed.

D. Buildings in the Course of Construction. Nothing herein contained shall require any permit or any change in plan of construction, size or use of any building, structure or part thereof, which shall have a foundation built and 20% of the building or structure erected upon the date of the adoption of this By-Law.

E. Public Garages and Service Stations.

1. Hereafter, no portion of a public garage, automobile repair shop, or gasoline filling station, or any of the appurtenances or accessory uses, shall be placed or used as to be detrimental to the interests of property owners nearby.
2. No such premises shall have any driveway, entrance or exit for motor vehicles within one hundred feet of the property used by a school, church, public library, playground, or institution for children or for the aged.
3. Every filling station, structure or pump shall hereafter be located at least 20 feet from the street line.

F. Signs. Hereafter, no sign except those specified under **Section III** shall be erected without a permit granted by the Board of Selectmen. If a permit is granted the sign must comply with the following: One sign at each place of business with an area not in excess of 12 square feet advertising the type of business, occupation or trade carried on at the premises or within the structure thereon or the principal product or service sold thereat.

- a. No sign shall extend or protrude over public property.
- b. There shall be no blinking illuminated signs.
- c. No sign shall have moving parts.
- d. No sign shall be erected less than ten feet from highway line.

e. No sign shall be of a noise-making variety.

f. No spotlight illuminating a sign shall be located so as to cast a beam into eyes of motorists.

G. Public Safety. Hereafter, all proposed sewage disposal systems shall be approved by a town building inspector appointed by the Board of Selectmen.

Section VII. Administration and Enforcement

A. Enforcement. This By-Law shall be administered and enforced by the Board of Selectmen who shall grant no permit of any kind, or approve any plan and specification or intended use which is not in conformity with this By-Law or with a decision of the Board of Appeals or court. Any person violating any of the provisions of this By-Law may be fined not more than twenty dollars for each offense. Each day that such violation continues shall constitute a separate offense.

B. Permits.

1. Specific permissions and prohibitions herein contained shall be adhered to by the Selectmen in granting permits.
2. Any person desiring to obtain the permission of the Board of Selectmen for any purpose for which such permission is required under this By-Law, shall make written application therefor and said Board shall hold a public hearing thereon, after such notice as it may direct, and render a decision. It may make rules for such hearings and shall notify the Planning Board and all holders of real estate which might be affected; at such hearings it shall hear such owners and others who may desire to be heard.
3. No approval shall be granted by said Board without considering the effect upon the neighborhood and the town. If a permit is issued with conditions which will protect the community, such conditions shall be specified in writing on the permit.
4. Any permit issued by the Board shall become void six months after the date thereon unless operations thereunder are commenced within said period. Permits shall be void if the operations once commenced are discontinued for a period of more than six months.
5. Permits are not transferable.
6. Any person aggrieved by a decision of the Board of Selectmen may appeal to the Board of Appeals.

C. Board of Appeals. There is hereby established a Board of Appeals of 5 members to be appointed by the Board of Selectmen for terms of such length and so arranged that the term of one appointee shall expire each year and that thereafter one member shall be elected for a term of 5 years at each annual town meeting. No person shall be on the Planning Board and the Board of Appeals at one time. The Board of Appeals shall have all the rights, duties and powers granted herein and under Chapter 40A of the General Laws and amendments thereof.

1. Appeals. To hear and decide appeals and review any order, requirement, decision, or determination made by the Board of Selectmen or other officer charged with the enforcement of this By-Law. Such appeals may be taken to the Board by any officer or board of the town, or by any person aggrieved by such order, requirement, decision, or determination, following the procedure established under Sections 16 and 17 of Chapter 40A of the General Laws as amended.

2. Variances. To hear and decide requests for variance from the terms of the By-Law where literal enforcement would involve substantial hardship because of conditions unique to the building or to the land in question, and where relief may be granted without substantial detriment to the public good and without nullifying the intent or purpose of this By-Law.

3. Court Appeals. Any person aggrieved by the action of the Board of Appeals may appeal to the Superior Court as provided in the General Laws.

Section VIII. Amendment

This By-Law may be amended from time to time at an annual or special town meeting in accordance with the provisions of Section 6, Chapter 40A.

Section IX. Validity

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof.

Section X. Effective Date

This By-Law shall take effect as provided by statute. Submitted for enactment at the annual meeting of the Town of Monterey on February 13, 1961.

DEAN AMIDON
RAYMOND ENSIGN
HAROLD GREENE
BARBARA TRYON
EDITH WILSON

Planning Board for the Town of Monterey

The foregoing proposed By-Law to establish Zoning in the Town of Monterey, Massachusetts, has been prepared by the Monterey Planning Board in accordance with the vote of said town at the annual town meeting on February 8, 1960.

A public hearing in regard to this By-Law will be held by the Planning Board at the social room of the First Congregational Church of Monterey in said town of Monterey on Tuesday, December 27, 1960, at 8:00 o'clock p. m.